

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SER LAO,

Plaintiff,

v.

H&M HENNES & MAURITZ, L.P.,

Defendant.

Case No. [5:16-cv-00333-EJD](#)

**ORDER VACATING CASE
MANAGEMENT CONFERENCE;
SETTING BRIEFING SCHEDULE AND
HEARING DATE FOR MOTIONS; AND
SETTING TRIAL SETTING
CONFERENCE**

Based upon the Joint Further Case Management Statement filed October 23, 2017, the Court orders as follows.

1. The case management conference scheduled for November 2, 2017 is vacated.
2. Defendants' request to stay the action pending a ruling by the California Supreme Court on the applicability of the *de minimis* doctrine to claims for unpaid wages under the California Labor Code is denied.
3. If Plaintiff intends to amend the complaint, Plaintiff shall file and service a motion to amend the complaint no later than November 30, 2017. Any opposition to the motion must be filed and served no later than December 14, 2017. Plaintiff may file and serve a reply brief no later than December 21, 2017. A hearing on the anticipated motion is scheduled for January 11, 2018 at 9:00 a.m.
4. Plaintiff may refile the motion for class certification and notice the motion for hearing on May 17, 2018 at 9:00 a.m. Defendant's opposition to the motion shall be filed and served no later than January 12, 2018. Plaintiff may file and serve a reply brief no later than May 3, 2018.
5. The Court will conduct a trial setting conference on January 11, 2018 following the


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ORDER VACATING CASE MANAGEMENT CONFERENCE

1 hearing on the anticipated motion to amend. The parties shall file a trial setting conference
2 statement no later than January 2, 2018.

3 **IT IS SO ORDERED.**

4 Dated: October 25, 2017



EDWARD J. DAVILA
United States District Judge

United States District Court
Northern District of California